

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1818

WHEREAS, L. Vince Cornell has submitted an application designated as Special Permit No. 1818 for authority to park and display vehicles for sale in the front yard on property located at 702 West "O" Street, and legally described to wit:

Lot 1, T.O. Haas Addition, located in the Southeast Quarter of Section 22, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application and by Resolution No. PC-00588 has denied Special Permit No. 1818; and

WHEREAS, L. Vince Cornell has appealed the action of the Lincoln City-Lancaster County Planning Commission denying Special Permit 1818; and

WHEREAS, the City Council of the City of Lincoln has held a public hearing thereon and finds that the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this car lot will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of

Lincoln, Nebraska:

That the application of L. Vince Cornell, hereinafter referred to as "Permittee", to park and display vehicles for sale in the front yard on the property legally described above be and the same is hereby granted under the provisions of Section 27.63.700 of the Lincoln Municipal Code upon condition that said parking and displaying of vehicles for sale be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. If the use of the premises is changed from vehicle sales, this special permit shall not be considered an adjustment or waiver of the standards for a parking lot nor shall the area be considered a nonconforming parking lot.

2. The hood or trunk or both shall not be left open on the stored vehicles for sale and resale in the front yard except when the vehicle is inspected by a customer.

3. Before storing vehicles for sale or resale in the front yard:

a. The Permittee must submit a revised site plan to the Planning Department office for review and approval showing the following revisions:

i. Standard parking lot barriers to prevent vehicles for sale or resale from extending into the side yards and into the street.

ii. A landscape plan conforming to the design standards.

b. The construction plans must conform to the approved plans.

4. Before storing vehicles for sale or resale in the front yards all development and construction must conform to the approved plans.

5. All privately-owned improvements, including landscaping shall be permanently maintained by the owner.

6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant